

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

POZEN INC.

Plaintiff,

vs.

SUN PHARMA GLOBAL FZE, SUN
PHARMACEUTICAL INDUSTRIES
LTD.,

Defendants.

CIVIL ACTION NO. 6: 11-cv-272-LED

PATENT CASE

JOINT STIPULATION OF DISMISSAL

WHEREAS, POZEN Inc, (***“POZEN”***) owns United States Patent Nos. 6,060,499, 6,586,458 and 8,022,095 (the ***“Patents-in-Suit”***) relating to combinations of 5-HT agonists with long acting NSAIDS for the treatment of migraine attacks and currently markets Treximet®, a combination of 85 mg of sumatriptan and 500 mg of naproxen sodium, for the treatment of migraine attacks with or without aura through its exclusive licensee, Glaxo Group Limited, doing business as Glaxo SmithKline;

WHEREAS, Sun Pharma Global FZE has submitted to the United States Food and Drug Administration an Abbreviated New Drug Application No. 202-803, as amended from time to time subsequent to submission, describing its sumatriptan and naproxen sodium combination tablet purportedly bioequivalent to POZEN's Treximet® product for the treatment of migraine attacks with or without aura (the ***“Sun ANDA”***);

WHEREAS, Sun Pharma Global FZE and Sun Pharmaceutical Industries Ltd. (together, “*Sun*”) and POZEN are engaged in a patent infringement action pending in the United States District Court for the Eastern District of Texas, entitled *POZEN Inc. v. Sun Pharma Global FZE et al.*, Civil Action No. 6:11-cv-272-LED, brought by POZEN pursuant to the provisions of 35 U.S.C. § 271(e)(2)(A) against Sun with respect to the product described in the Sun ANDA;

NOW, THEREFORE, POZEN and Sun stipulate that:

1. The claims of the Patents-in-Suit are valid, enforceable and would be infringed by the product described in the Sun ANDA.
2. All claims and counterclaims asserted by POZEN and against Sun in the above-referenced action are dismissed with prejudice.
3. All claims and counterclaims asserted by Sun and against POZEN in the above-referenced action are dismissed with prejudice.
4. Sun’s Motion to Dismiss First Amended Complaint, or in the alternative, to Transfer Venue is denied as moot.
5. Each party will bear its own costs, expenses and attorneys’ fees in connection with the above-referenced actions.
6. The parties waive any right of appeal from this Stipulation of Dismissal and Order.
7. The Court retains jurisdiction over this Stipulation of Dismissal and Order, in the event of any dispute concerning it.

SO STIPULATED:

<p><i>By: /s/ Charles B. Klein</i> Charles B. Klein (VA Bar No. 39117) <i>Admitted Pro Hac Vice</i> WINSTON & STRAWN LLP 1700 K Street, NW Washington, DC 20006 Tel: (202) 282-5000 Fax: (202) 282-5100 cklein@winston.com</p>	<p><i>By: /s/ Stephen M Hash</i> Stephen M. Hash (TX Bar No, 24012800) VINSON & ELKINS LLP 2801 Via Fortuna, Suite 100 Austin, TX 78746-7568 Tel: (512) 542-8400 Fax: (512) 542-8612 shash@velaw.com</p>
<p>David S. Bloch (CA Bar No, 184530) <i>Admitted Pro Hac Vice</i> WINSTON & STRAWN LLP 101 California Street San Francisco, CA 94111-5802 Tel: (415) 591-1452 Fax: (415) 591-1400 dbloch@winston.com</p>	<p>Stephanie Lollo Donahue (NY Bar No. 4259149) <i>Admitted Pro Hac Vice</i> VINSON & ELKINS, LLP 666 Fifth Avenue, 26th Floor New York, NY 10103-0040 Tel: (212) 237-0000 Fax: (212) 237-0100 sdonahue@velaw.com</p>
<p>James F. Hurst (IL Bar No, 6202190) <i>Admitted Pro Hac Vice</i> WINSTON & STRAWN LLP 35 W. Wacker Drive Chicago, IL 60601-9703 Tel: (312) 558-5230</p>	<p>Deirdre Wells (TX Bar No. 24069623) VINSON & ELKINS LLP 2200 Pennsylvania Avenue, NW Suite 500 West Washington, DC 20037-1701 Tel: (202) 639-6500</p>
<p>Melinda K. Lackey (TX Bar No. 24062833) WINSTON & STRAWN LLP 1111 Louisiana Street, 25th Floor Houston, TX 77002 Tel: (713) 651-2600 Fax: (713) 651-2700 mlackey@winston.com</p>	<p>Otis W. Carroll, Jr, (TX Bar No. 03895700) Collin Maloney (TX Bar No. 00794219) IRELAND CARROLL & KELLEY, PC 6101 S. Broadway, Suite 500 Tyler, TX 75703 Tel: (903) 561-1600 Fax: (903) 581-1071 ocarroll@icklkw.com cmaloney@ieklaw.com</p>
<p>Clyde M. Siebman (TX Bar No, 18341600) SIEBMAN, BURG, PHILLIPS & SMITH 300 North Travis Street Sherman, TX 75090 Tel: (903) 870-0070 Fax: (903) 870-0066 clydesiebman@siebman.com</p>	
<p><i>Attorneys for Defendants Sun Pharma Global FZE and Sun Pharmaceutical Industries Ltd.</i></p>	<p><i>Attorneys for Plaintiff Pozen Inc.</i></p>

CERTIFICATE OF SERVICE

I hereby certify that, on September 16, 2013, a true and correct copy of the foregoing **JOINT STIPULATION OF DISMISSAL** was filed through the Eastern District of Texas' CM/ECF system, and was served by that system on all counsel of record by electronic mail.

/s/ Stephen M. Hash

Stephen M. Hash